

### **REMARKS**

Claims 1-27 and 29-40 are now pending in this application, with claims 1, 30, 33, 36, 37, 38 and 39 being independent. Claim 28 has been cancelled without prejudice or disclaimer. Claims 1, 5, 6, 7, 10, 11, 30, 33, 36, 37, 38 and 39 have been amended. Favorable reconsideration is respectfully requested.

Claims 1-2, 6, 8-29 and 39 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office Action contends that those claims have no connection to the technical arts. The Examiner recommended amending the claims to incorporate a computer or electronic network. Applicants have adopted the Examiner's recommendation, and amended independent claim 1 to recite a computer network (e.g., "presenting over a computer network ..."), and independent claim 39 to recite electronic media (e.g., "presenting via the electronic media ..."). Applicants respectfully submit that the rejected claims are in full compliance with Section 101, and respectfully request the Examiner to remove the Section 101 rejection.

Claims 7 and 10 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, and specifically as lacking antecedent basis for certain claim elements. In response, Applicants have amended claim 5 to provide the requisite antecedent basis for the "Web page" of claim 7, and amended claim 10 to make it depend from claim 2, thereby providing the requisite basis for the "maximum value." Applicants respectfully submit that the Section 112 rejection has been obviated, and respectfully requests the Examiner to remove it.

Claims 1, 2, 3, 8, 9, 11, 16, 18, 19, 22, 26 and 30-40 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,336,099 (Barnett, et al.); and Claims 4-7, 10, 12-15, 17, 20, 21, 23-25 and 27-29 have been rejected under 35 U.S.C. § 103(a) as being obvious over Barnett et al. These rejections are respectfully traversed.

As recited in independent claim 1, the present invention relates to a method to promptly indicate in interest in purchasing a product and/or service on a computer network. The method includes the steps of presenting an offer for sale of the product or service to the consumer, and concurrently presenting an incentive for purchasing it promptly. In accordance with a salient aspect of the present invention, the incentive is initially set to a first non-zero value and decreases over a period of time to at least one other non-zero value lower than the first. In this manner, the consumer is motivated to make a purchase promptly, since a delay in purchase may result in a reduction of the incentive's value.

Independent claims 30, 33 and 36-39 are directed to computer code, to a methods, to an apparatus or to a system, and include features that parallel generally the steps of claim 1. All of those claims recite the salient feature of the present invention discussed above, namely an incentive that is initially set to a first non-zero value and decreases over a period of time to at least one other non-zero value lower than the first.

Providing incentives to motivate consumers to make a purchases, including impulse purchases, are known in art. In their most basic form, in both brick-and-mortar and Internet environments, such incentives take the form of a coupon, that is typically redeemable at the time of purchase for a discount off of the purchase price. Such coupons almost always have expiration fixed dates.

Because they have fixed lifespans and fix values over their lifespans, however, conventional coupons, either electronic or paper, do little, to motivate impulse purchases. Thus, a consumer receiving such a coupon will note its value and its expiration date, and will have a known window of time during which he or she may use the coupon to make the relevant purchase. And the purchase may or may not be made. But the conventional coupon, will never motivate an impulse purchase.

The present invention overcome this drawback by providing an incentive that is initially set to a first non-zero value and decreases over a period of time to at least one other non-zero value lower than the first. By providing an incentive that decreases over a period of time in this fashion, consumers are motivated to make purchases on an impulse, since the incentive may reduce in value if they wait.

Barnett relates to a method of electronic distribution of product redemption coupons. The Office Action takes the position that Barnett's teaching of a coupon that is available for a limited time constitutes a coupon that decreases to zero over time, and that this teaching anticipate the claimed feature of an incentive that decreases over time. Applicants respectfully disagree.

The relevant passage of Barnett reads as follows:

The availability of the coupon could be time-sensitive, which would provide further incentive to use the system in a prompt and efficient manner.

(Col 13: 24-26). This teaching, however, is not at all a teaching of an incentive that decreases over time, but instead is simply a teaching of a coupon that expires. It is therefore no more relevant than a conventional paper coupon and its electronic counterpart, that has a fixed expiration date or time, beyond which it is no longer valid and available for use.

In the present invention, in stark contrast, an incentive is provided that truly decreases over a period of time, in that it is initially set to a first non-zero value, and then decreases over a period of time to at least one other non-zero value lower than the first. By providing an incentive that decreases over time in this fashion, the present invention provides an incentive that genuinely motivates consumers to make prompt purchases, including purchases on impulse. Because the feature is completely absent from Barnett, Applicants respectfully submit that Barnett cannot anticipate or render obvious the present

independent claims, and respectfully request the Examiner to remove the Section 102 and 103 rejections.

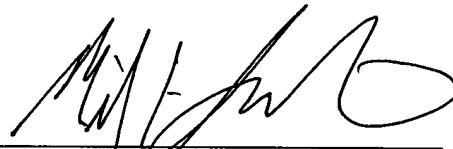
The remaining claims all depend from one of the independent claims discussed above, and each partakes in the novelty and non-obviousness of its respective base claim. In addition, each recites additional patentable features of the present invention, and individual reconsideration of each is respectfully requested.

### CONCLUSION

In view of the foregoing Amendments and Remarks, a Notice of Allowance is earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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